

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:16-cv-00030-MR-DLH**

TRIBAL CASINO GAMING )  
ENTERPRISE, )  
Plaintiff, )  
vs. )                   **O R D E R**  
W.G. YATES & SONS )  
CONSTRUCTION COMPANY, et al., )  
Defendants. )  
\_\_\_\_\_  
)

**THIS MATTER** is before the Court on the Plaintiff's Motion to Confirm Arbitration Award [Doc. 65].

By the present motion, the Plaintiff Tribal Casino Gaming Enterprise ("TCGE"), seeks confirmation of an arbitration award regarding this matter and to enter judgment dismissing all of TCGE's remaining claims against against the sole remaining Defendant, Metromont Corporation ("Metromont").<sup>1</sup> [Doc. 65].

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<sup>1</sup> This Court previously found, over Metromont's objection, that a valid agreement to arbitrate existed between the parties and that this dispute was the type of dispute which the parties agreed to have decided by binding arbitration. [Doc. 58].

From October 10, 2017, to October 27, 2017, the parties conducted an arbitration hearing before an arbitration panel appointed in accordance with the arbitration provision of the parties' contract. The arbitration panel rejected and dismissed all claims asserted by TCGE with respect to one of the two structures in issue, referred to by the parties as the "Hotel Deck," via a decision issued on October 16, 2017. Following the arbitration hearing, the arbitration panel delivered its Decision and Award (the "Award") to the parties on December 14, 2017, which, among other things, incorporated the decision finding that all claims asserted by TCGE against Metromont in the present action are barred by the statute of repose. [Doc. 65-1]. Neither party filed a Motion to Vacate or Modify this Award.

On March 26, 2018, TCGE filed the present Motion to Confirm Arbitration Award. [Doc. 65]. Metromont filed a Response, requesting that the Award be confirmed and all of the Plaintiff's claims asserted against it be dismissed with prejudice. [Doc. 67].

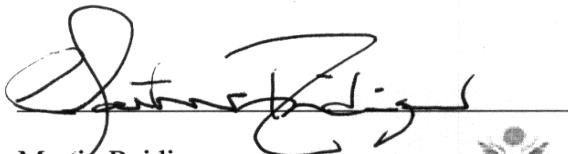
In light of the parties' consent to confirming the Award and to the entry of a judgment dismissing the Plaintiff's claims,

**IT IS, THEREFORE, ORDERED** that the Plaintiff's Motion to Confirm Arbitration Award [Doc. 65] is **GRANTED**.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the Award is hereby **CONFIRMED**, and all of the Plaintiff's claims against the Defendant Metromont Corporation are hereby **DISMISSED WITH PREJUDICE**.

The Clerk of Court is respectfully directed to prepare and enter a Judgment in accordance with this Order.

**IT IS SO ORDERED.**      Signed: April 18, 2018

  
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Martin Reidinger  
United States District Judge